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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,906	08/26/2003	Goetz von Groll	187135/US	1905
25763 7590 12/24/2009 DORSEY & WHITNEY LLP INTELLECTUAL PROPERTY DEPARTMENT SUITE 1500 50 SOUTH SIXTH STREET MINNEAPOLIS, MN 55402-1498				
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VU, BAID				
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2165				
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12/24/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/604,906

**Applicant(s)**

VON GROLL, GOETZ

**Examiner**

Bai D. Vu

**Art Unit**

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 5-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant has amended claims 1-2, and added new claims 9-10 in the amendment filed on 9/24/2009. Claims 1-3 and 5-10 are pending in this office action.

### ***Response to Arguments***

2. Applicant's arguments filed on 9/24/2009 with respect to claims 1-3 and 5-10 have been considered but are moot in view of the new ground(s) of rejection.

### **Notes**

3. With respect to **claims 9-10** which are method claims, examiner notes that the claimed functions must, inherently, require a computer processor. Accordingly, the claims appear to be patentable under 35 U.S.C. § 101.

4. Furthermore, applicant is reminded that the examiner is entitled to the broadest reasonable interpretation of the claims. The applicants always have the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater 162 USPQ 541,550-51 (CCPA 1969). Therefore, the aforementioned assertion is moot.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. **Claims 9-10** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

**Claim 9** contains subject matter "*wherein the attributes include the publication's source and word length*" in lines 7-8, and "*the word length of the identified articles*" in lines 11-12, which were not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As such, **claim 10** is rejected as based on the dependency of claim 9 which it depends.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1, 3, 5 and 9-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz et al. (US Pub. No. 2002/0174000 A1), and further in view of Adler et al. (US Pub. No. 2003/0033295 A1).

As per **claim 1**, Katz et al. discloses **a method of quantitative analysis of communication performance for reputation management**, as (see e.g., ¶ 0053 lines 2-4; as performs quantitative and qualitative analysis on the data results) **comprising the steps of:**

(i) **performing a computerised set of at least two searches in a database or a network containing articles, each search comprising an object of interest related to said communication performance or objects to be compared to said object of interest**, as (see e.g., ¶ 0196; and ¶ 0204 lines 6-10; as searching, extracting and transforming external data from a plurality of sources, such as databases and Internet sources, interpreted as performing a set of at least two searches; and the internal data and the external data interpreted as objects) **at least one search term to be searched in a publication and optionally one or more attributes concerning the publication itself**; as (see e.g., ¶¶ 0115 – 0116; as news stories interpreted as search terms; and date, geographic location interpreted as attributes).

(ii) **analyzing the at least two searches to produce a quantitative analysis related to said reputation management**, as (see e.g., ¶ 0039 lines 3-9; and ¶ 0053 lines 1-34; as performs quantitative and qualitative analysis on the data results (i.e., including inventory management, contract negotiations, purchasing recommendations,

data optimization, supplier allocation, demand aggregation, spot market analysis, and market and news alerts, ¶ 0016), analysis services of collecting, analyzing and integrating data from data sources and databases).

(iii) **displaying the quantitative search results of analyses as graphs** as (see e.g., ¶ 0053 lines 10-19; and ¶ 0226).

However, Adler et al. discloses the feature of **wherein said quantitative analysis related to said reputation management is based on one or more of the following: counting articles obtained from the at least two searches, counting words in articles obtained from the at least two searches, counting mentions of a name in articles obtained from the at least two searches, and counting mentions of an issue in articles obtained from the at least two searches; and**, which is not explicitly disclosed by Katz et al., as counting relevant words in the found respective documents (see e.g., ¶ 0042), wherein the documents referred as the articles.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Alder et al. teaching of filtering the search result into Katz et al. system in order to conduct a preliminary assessment of the validity of an existing patent in view of disclosures in one or more prior art publications, or to conduct a preliminary assessment of whether a third party product may infringe the claims of an existing patent (Adler et al. ¶ 0001 lines 6-10).

As per **claim 3**, Katz et al. discloses **the method of quantitative analysis of communication performance as set forth in claim 1 wherein said object of interest**

**is a company, brand or product name or category, governmental or non-governmental organisation, person or issue of general interest or public policy** as (see e.g., ¶ 0040 lines 20-28).

As per **claim 5**, Katz et al. discloses **the method of quantitative analysis of communication performance as set forth in claim 1, further comprising the step of evaluating the positive, negative, and neutral tone of voice concerning said object of interest or said objects to be compared to said objects of interest of a plurality of retrieved publications by manually evaluating a statistically chosen sub-set thereof** as (see e.g., ¶ 0041 lines 13-17; ¶ 0167 lines 1-7; ¶ 0169 lines 1-5; and ¶ 0172 lines 1-5).

As per **claim 9**, Katz et al. discloses **a method of quantitative analysis of communication performance of an entity**, as (see e.g., ¶ 0053 lines 2-4; as performs quantitative and qualitative analysis on the data results) **comprising:**

**conducting a computerized search of publications stored in one or more electronic databases or accessible via a computerized network to identify one or more publications relating to the entity;** as (see e.g., ¶ 0196; and ¶ 0204 lines 6-10; as searching, extracting and transforming external data from a plurality of sources, such as databases and Internet sources, interpreted as performing a set of at least two searches; and the internal data and the external data referred as publications).

**using a computer processor to assign each identified publication a quantitative weight value based upon attributes associated with the identified publication, wherein the attributes include the publication's source and word length;** as (see e.g., ¶¶ 0053 and 0114; as analysis services selects from one or more user-defined parameters for internal data and external data (i.e., from subscription sources, news sources, and other sources referred as publications), selecting values, value ranges, and/or conditions for the user-defined parameters, establishing weight(s) or relative weight(s) for the user-defined parameters, and/or prioritizing weight(s) or relative weight(s) for the user-defined parameters; but may not be specific to the word length).

**using the computer processor to analyze the identified publications and generate a quantitative analysis of the communication performance of the entity,** as (see e.g., ¶ 0039 lines 3-9; and ¶ 0053 lines 1-34; as performs quantitative and qualitative analysis on the data results (i.e., including inventory management, contract negotiations, purchasing recommendations, data optimization, supplier allocation, demand aggregation, spot market analysis, and market and news alerts, ¶ 0016), analysis services of collecting, analyzing and integrating data from data sources and databases).

**generating a graphic display of the quantitative analysis** as (see e.g., ¶ 0053 lines 10-19; and ¶ 0226).

However, Adler et al. discloses the feature of **wherein the quantitative analysis is based upon the number of identified publications, the word length of the**



**identified articles, the weight values of the identified articles, and a number of mentions of the entity in each identified publication; and,** which is not explicitly disclosed by Katz et al., as counting relevant words in the found respective documents (see e.g., ¶ 0042), wherein the documents referred as the publications.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Alder et al. teaching of filtering the search result into Katz et al. system in order to conduct a preliminary assessment of the validity of an existing patent in view of disclosures in one or more prior art publications, or to conduct a preliminary assessment of whether a third party product may infringe the claims of an existing patent (Adler et al. ¶ 0001 lines 6-10).

As per **claim 10**, Katz et al. discloses **the method of claim 9, further comprising storing financial data concerning the entity in an electronic database,** as (see e.g., ¶ 0039 lines 41-51; and ¶ 0044 lines 25-28; as the internal and external data are transformed and stored in Data mart including a plurality of databases and database management systems) **wherein the stored financial data is used to generate the quantitative analysis of the communication performance of the entity** as (see e.g., ¶ 0039 lines 3-9; and ¶ 0053 lines 1-34; as performs quantitative and qualitative analysis on the data results (i.e., including inventory management, contract negotiations, purchasing recommendations, data optimization, supplier allocation, demand aggregation, spot market analysis, and market and news alerts, ¶

0016), analysis services of collecting, analyzing and integrating data from data sources and databases).

9. **Claims 2 and 6-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz et al., in view of Adler et al., and further in view of Adler (US Pub. No. 2002/0169658 A1).

As per **claim 2**, Katz et al. and Adler et al. do not explicitly disclose **the method of quantitative analysis of communication performance as set forth in claim 1 wherein the quantitative analysis is displayed as a function of time**. However, Adler discloses as (see e.g., ¶ 0089).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Adler teaching of modeling and analyzing complex strategic business decisions into Katz et al. and Adler et al. systems in order to provide facilities to create, edit, and store decision contexts and scenarios persistently to a database. This allows models and scenarios to be retrieved and updated and refined for recurring use, allowing prior decisions to be revisited in light of current market data and learning from experience. The accuracy and credibility of simulated outcomes and analysis increases in a correspondingly incremental manner (Adler, ¶ 0049).

As per **claim 6**, Katz et al. and Adler et al. do not explicitly disclose **the method of quantitative analysis of communication performance as set forth in claim 1**,

**further comprising the step of counting and mapping frequency of most relevant words concerning said object of interest or said objects to be compared to said objects of interest of a plurality of retrieved publications by plotting most relevant words in conjunction with change of occurrence over time.**

However, Adler discloses as (see e.g., ¶ 0089).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Adler teaching of modeling and analyzing complex strategic business decisions into Katz et al. and Adler et al. systems in order to provide facilities to create, edit, and store decision contexts and scenarios persistently to a database. This allows models and scenarios to be retrieved and updated and refined for recurring use, allowing prior decisions to be revisited in light of current market data and learning from experience. The accuracy and credibility of simulated outcomes and analysis increases in a correspondingly incremental manner (Adler, ¶ 0049).

As per **claim 7**, Katz et al and Adler et al. do not explicitly disclose **the method of quantitative analysis of communication performance as set forth in claim 1, wherein analyzing the at least two searches further comprises taking into account additional data including data being provided from a different source than said database or network of articles, the additional data facilitating normalization of the quantitative analysis and comparisons between the objects in the quantitative analysis.** However, Adler discloses as (see e.g., ¶¶ 0032 and 0076; and Fig. 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Adler teaching of modeling and analyzing complex strategic business decisions into Katz et al. and Adler et al. systems in order to provide facilities to create, edit, and store decision contexts and scenarios persistently to a database. This allows models and scenarios to be retrieved and updated and refined for recurring use, allowing prior decisions to be revisited in light of current market data and learning from experience. The accuracy and credibility of simulated outcomes and analysis increases in a correspondingly incremental manner (Adler, ¶ 0049).

As per claim 8, Katz et al. discloses **the method of quantitative analysis of communication performance as set forth in claim 7, wherein said data being provided from a different source relates to financial data of company, product line, marketing and PR budget** as (see e.g., ¶ 0040 lines 9-28).

### ***Conclusion***

10. The following prior art made of record on form PTO-892 and not relied upon is cited to establish the level of skill in the applicant's art and those arts considered reasonably pertinent to applicant's disclosure. See MPEP 707.059(c).

Nishioka et al. US- 2002/0042792 A1

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

#### ***Contact Information***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bai D. Vu whose telephone number is (571)270-1751. The examiner can normally be reached on Mon - Fri 8:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Neveen Abel-Jalil can be reached on 571-272-4074. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. D. V./  
Examiner, Art Unit 2165  
12/21/2009

/Neveen Abel-Jalil/  
Supervisory Patent Examiner, Art Unit 2165